REMARKS

Claims 1-11 and 24-29 are pending in the application.

Claims 1-11 and 24-29 are rejected.

Claims 1 and 10 are amended.

Reconsideration and allowance of claims 1-11 and 24-29 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §103

Claims 1-11 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin et al (U.S. Publication No. 2002/0161924) (Perrin) in view of Crawford (U.S. Publication No. 2002/0180612) (Crawford). This rejection is not applicable to the amended claims.

Independent claims 1 and 10 include similar limitations. For example, independent claim 1 recites: "...a protocol detection module; a device, coupled to the protocol detection module, for communicating a packet, the device including a plurality of sets of indicators associated with a connection interface, the indicators being activated in response to detected protocols associated with the interface; each set of indicators being in a different platform layer and each indicator in each set being associated with a different protocol operating within its respective layer; and whereby, in response to a packet being communicated with the device, one or more protocols associated with the packet being detected by the protocol detection module and the protocol detection module activating a respective indicator in a respective layer in response to the one or more detected protocols." (emphasis added.)

As the PTO recognizes in MPEP §2142:

> The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons:

35 U.S.C. §103(a) provides that:

> [a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, the references, alone, or in any combination, do not teach a protocol detection module, coupled to a device with indicators, that detects one or more protocols associated with a packet and activates a respective indicator in a respective layer in response to detecting the one or more protocols.

Perrin discloses a router 10 with ports 28-49 and a plurality of LED's 48-57 "which operate to provide the user of the router 10 with certain information regarding the operation and performance of the router" (Paragraph [0044], lines 1-4). Perrin further discloses that such "information regarding operation and performance of the router" includes "...a visual indication of network activity through the router. The LEDs provide a bar graph display where more energized LEDs indicate more network traffic through the router. When two routers are paired together to form a high-availability router, one LED acts as a 'heart beat' to provide a visual indication that each router is communicating with the other. The remaining five LEDs continue to act as a bar graph of network traffic." (Paragraph [0045]). The LEDs disclosed by Perrin function to indicate the amount of network activity through the router and whether routers are communicating with each other. There is no teaching or suggestion in Perrin that any of the LEDs 48-57 are activated in response to detected protocols associated with packets received through any of the ports 28-49, and hence there is not even an implication of a protocol detection module as recited by the claims. Furthermore, Perrin does not disclose sets of indicators associated with a connection interface and in different platform layers such that each indicator in the set is associated with a different protocol operating within its respective layer. The LEDs 48-57 disclosed by Perrin simply detect network traffic and router communication.

Crawford does not remedy the deficiencies of Perrin. Crawford discloses a system and method to drive a visual status indicator. The disclosure states "...In many cases, each LED in the array is dedicated to presenting information about a particular status condition on a particular repeater port. The network administrator can determine whether a particular status condition exists on a repeater port by observing whether the corresponding LED in the array is illuminated..." (column 1, lines 24-29), "...The repeater 108 also includes...an LED array, that provides a visual indication of various status conditions monitored by the repeater 108..." (column 2, lines 3-6), "...Examples of types of status conditions monitored for individual ports include the standard LINK, PARTITION, ISOLATE, PORT ENABLED, and COLLISION conditions. In some cases, the repeater also monitors status conditions that do not apply to particular ports, but rather apply to the repeater as a whole. Examples of conditions monitored

for the repeater as a whole include the RPS FAULT, GLOBAL SECURITY, GLOBAL FAULT, and GLOBAL COLLISION conditions..." (column 2, lines 15-23). Crawford suffers from the same deficiencies as Perrin, as the indicators of Crawford merely provide status indications to indicate various status conditions. Crawford fails to teach or suggest that the indicators may be activated in response to detected protocols, and hence there is not even an implication of a protocol detection module as recited by the claims. Furthermore, Crawford does not disclose that the sets of indicators are associated with a connection interface and are in different platform layers such that each indicator in the set is associated with a different protocol operating within its respective layer.

In the Response to Arguments section of the Office Action mailed 01/04/2008, the Office Action states that "the indicators being activated in response to detected protocols associated with the interface, each set of indicators being in a different platform layer is merely intended use of the device, and a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim." Neither Perrin nor Crawford discloses a protocol detection module that detects one or more protocols associated with a packet and activates a respective indicator in a respective layer in response to detecting the one or more protocols. Applicants respectfully submit that a protocol detection module is a structural difference between the claims and the prior art.

Dependent claims 2-9 depend from and further limit independent claim 1, dependent claims 11 and 24-29 depend from and further limit independent claim 10, and all are allowable for at least the reasons stated above.

Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. As a result, the USPTO's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to the claims, and a rejection under 35 U.S.C. §103(a) is not applicable.

Therefore, independent claims 1 and 10 and their respective dependent claims are submitted to be allowable and, as such, the allowance of claims 1-11 and 24-29 is respectfully requested.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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